

United States District Court

United States District Court
Southern District of Texas
FILED

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

SEP 2 2016

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Luis Hernan Pena-Leiva

CRIMINAL COMPLAINT

Case Number: M-16-1628-M

AKA: Luis Hernan Pena

IAE YOB: 1978
El Salvador

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 1, 2016 in Hidalgo County, in the Southern District of Texas
(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to El Salvador in pursuance of law, and thereafter was found near Edinburg, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Luis Hernan Pena-Leiva was encountered by Border Patrol Agents near Edinburg, Texas on September 1, 2016. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on September 1, 2016, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on December 16, 2015, through New Orleans, Louisiana. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On April 2, 2015, the defendant was convicted of Possess with Intent to Manufacture or Sell a Scheduled I or II Drug and was sentenced to ten (10) years confinement with ten (10) years suspended sentence along with Indefinite Probation.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Sworn to before me and subscribed in my presence,

September 2, 2016

Peter E. Ormsby, U.S. Magistrate Judge
Name and Title of Judicial Officer

Julio C. Pena
Signature of Complainant

Julio C. Pena Senior Patrol Agent

Peter E. Ormsby
Signature of Judicial Officer